

HOUSE BILL 972

By McManus

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 17, Part 15, relative to tobacco products.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1551, is amended by deleting the section in its entirety and by substituting instead the following:

39-17-1551.

(a) Cities, counties, and counties having a metropolitan form of government within this state may enact legislation by ordinance or resolution, as appropriate, banning smoking in public buildings owned or leased by the political subdivision enacting the ordinance or resolution and restaurants within their legal jurisdiction. Such ordinance or resolution shall allow such establishments to provide outdoor areas where smoking shall be permitted. Such ordinance or resolution shall be approved by a majority vote of the local legislative body. This section shall not be construed as applying to establishments where forty percent (40%) or less of their annual revenue is derived from food sales; the provisions of subsection (b) shall apply to such establishments.

(b) The general assembly intends by this part and other provisions of Tennessee Code Annotated to occupy and preempt the entire field of legislation concerning the regulation of tobacco products with respect to establishments where forty percent (40%) or less of their annual revenue is derived from food sales. Any law or regulation of tobacco products enacted or promulgated after the effective date of this act, by any agency or political subdivision of the state or any agency with respect to such establishments thereof is void; provided, that airport authorities created pursuant to the provisions of title 42; utility districts

created pursuant to the provisions of title 7; and special school districts may regulate the use of tobacco products in buildings owned or leased by the entities. Notwithstanding any other provision of the law to the contrary, individual owners or operators of retail establishments located within an enclosed shopping mall shall retain the right to determine the policy on the use of tobacco products within the person's establishment.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.